

1 CARMEN A. TRUTANICH, City Attorney (SBN 86629x)
2 GARY G. GEUSS, Chief Assistant City Attorney
3 CORY M. BRENT, Assistant City Attorney
4 SUREKHA A. PESSIS, Deputy City Attorney (State Bar #193206)
5 600 City Hall East, 200 North Main Street
6 Los Angeles, California 90012-4129
7 E-mail: *Surekha.Pessis@lacity.org*
8 Telephone: (213) 978-7036 Facsimile: (213) 978-8785

Attorneys for Defendants, LOS ANGELES POLICE DEPARTMENT, JOSEPH DUNSTER, JAMES FILLMORE, LAMONT JERRETT, JERRY PADILLA, DAVID TORRES, SARITA WILLIAMS, SILVINA YNIGUEZ, and RUTH YU

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION

11 JANE DOE,
12 Plaintiff,
13 vs.
14 THE CITY OF LOS ANGELES; THE
15 LOS ANGELES POLICE
16 DEPARTMENT; JAMES FILLMORE
AND DOES 1-10 INCLUSIVE
17 Defendants.

18 CHRISTIAN CURRY, Plaintiff,
19
20 THE CITY OF LOS ANGLES; THE
21 LOS ANGELES POLICE
22 DEPARTMENT; LAPD
23 [HOLLYWOOD DIVISION] CHIEF
24 WILLIAM BRATTON; CLAY
25 FARRELL; LaMONT JERRETT;
26 JOE DUNSTER; JERRY PADILLA;
27 KARI HORTON; DAVID TOMILIN;
28 RAYMOND CONBOY; DAVID
TORRES; GEORGE HOOPES;
JEANNE HARRIS; MICHAEL
OPPELT; SILVINA YNIGUEZ;
SUSAN BRANDSTETTER; SEAN
MURTHA; MICHAEL KLEE; RUTH
KAWKINS-YU; AARON GREEN;
JUAN SANCHEZ; KURT JIMMY
FILLMORE.
Defendants.

CASE NO. CV 07-1403-VAP(RNB)
Hon. Virginia A. Phillips Courtroom 2 (**Riverside**)
Hon. Robert N. Block, Courtroom 6D (**Santa Ana**)

Consolidated with:
CV 08-00237 VAP(RNB)

**DECLARATION OF DEPUTY CITY
ATTORNEY SUREKHA A. PESSIS RE:
IN RESPONSE TO MINUTE ORDER
OF MARCH 12, 2010**

DISCOVERY CUT-OFF: 2/1/10
P.T.C. & TRIAL: None Set

DISCOVERY CUT-OFF: 2/1/10
P.T.C. & TRIAL: None Set

DECLARATION OF SUREKHA A. PESSIS

I, SUREKHA A. PESSIS, declare and state as follows:

4 1. I am an attorney at law duly admitted to practice before all courts of the
5 State of California and before this Court. I am a Deputy City Attorney at the Office of
6 the City Attorney for the City of Los Angeles, Attorneys of Record for **LOS ANGELES**
7 **POLICE DEPARTMENT, JOSEPH DUNSTER, JAMES FILLMORE, LAMONT**
8 **JERRETT, JERRY PADILLA, DAVID TORRES, SARITA WILLIAMS, SILVINA**
9 **YNIGUEZ, and RUTH YU** Defendants in the matter of *Christian Curry v. The Los*
10 *Angeles Police Department, et al.*, United States District Court Case No.
11 CV08-00237 VAP(BNB) and *Jane Doe v. The City of Los Angeles, et al.*, United States

11 CV08-00237 VAP(RNB) and *Jane Doe v. The City of Los Angeles, et al.*, United States
12 District Court Case No. CV07-01403 VAP(RNB) . Except upon those matters stated
13 upon information and belief, I have personal knowledge of the facts set forth in this
14 declaration and, if called as a witness, I could and would testify competently thereto.

15 2. Attached hereto and marked as Exhibit "A" is the deposition subpoena for
16 Mr. Vodnoy which provides the deposition was to go forward on February 24, 2010 at
17 9:30 a.m. The subpoena was sent to me in PDF by e-mail on February 19, 2010.

18 3. On February 22, 2010, Ms. Rolon sent an e-mail confirming that she and
19 Mr. Vodnoy were available for Mr. Vodnoy's deposition on February 24, 2010.
20 Attached hereto and marked as Exhibit "B" is a true and correct copy of Ms. Rolon's e-
21 mail of February 22, 2010 at 12:18 p.m. Further, I sent an e-mail to Ms. Rolon stating
22 that I was available on Wednesday, February 24, 2010. Attached hereto and marked as
23 Exhibit "C" is a true and correct copy of my e-mail to Ms. Rolon from February 22, 2010
24 at 3:35 p.m.

25 4. On February 23, 2010 at 7:35 a.m., Mr. Curry sent an e-mail to me asking if
26 I would be at the deposition of Mr. Vodnoy that Wednesday. The e-mail, however,
27 erroneously indicates that the Walker case settled, but that is incorrect. I tried the Walker
28 case beginning on February 2, 2010 which resulted in a verdict. My next scheduled trial

1 was set for February 23, 2010, but settled on February 18, 2010. I responded to Plaintiff
2 Curry's e-mail that morning at 9:33 a.m. stating I would be at the deposition and inquired
3 of the time estimate. Attached hereto and marked as Exhibit "D" is a true and correct
4 copy of this e-mail exchange, which is partially redacted. The redacted portion relates to
5 an e-mail from Mr. Curry regarding an internal affairs matter.

6 5. During the afternoon of February 22, 2010, Ms. Brokenbush attempted to
7 change the date of the deposition to Thursday, but Ms. Rolon indicated she was not
8 available on that date and neither was her client. I responded by stating the numerous e-
9 mails had created confusion and I had set aside Wednesday morning for the deposition.
10 Further, I advised Ms. Brokenbush that I was leaving the office at 3:00 p.m. that day and
11 to contact Margarit (one of my assistants) on my behalf. Attached hereto and marked as
12 Exhibit "E" is a true and correct copy of this e-mail exchange.

13 6. Attached hereto and marked as Exhibit "F" is a true and correct copy of the
14 e-mail from Mr. Brokenbush from February 24, 2010 at 7:47 a.m. which provided that
15 the deposition had been canceled. I do not have a blackberry and do not otherwise have
16 remote access to my office e-mails.

17 7. I left the office at approximately 3:00 p.m. on the afternoon of February 23,
18 2010, with the understanding that the deposition of Mr. Vodnoy had been scheduled for
19 the morning of February 24, 2010 at 9:30 a.m. for the reasons stated above.

20 8. On the morning of February 24, 2010, I spent approximately one hour
21 traveling from my residence to the District Court in Santa Ana for the deposition of
22 Deputy District Attorney Matthew M. Vodnoy. I left my residence at approximately
23 7:25 a.m. The deposition was scheduled to commence at 9:30 a.m. Pursuant to the
24 Court's minute order of August 25, 2010, I was required to be present in courtroom 6D
25 no later than 9:15 a.m. At approximately 7:50 a.m., I received a call on my cellular
26 phone from one of my colleagues, who informed me that an e-mail had been sent to Ms.
27 Figueroa (my former assistant) which provided that the deposition had been cancelled. I
28 then called Ms. Glover and stated that I learned the deposition had been canceled a few

1 minutes ago, but I was on my way to Court. I arrived at the Court at approximately 8:25
2 a.m.

3 9. The failure of both Plaintiffs to appear for the deposition of Mr. Vodnoy and
4 the cancellation of the deposition was addressed by the Court at 10:00 a.m. I remained
5 thereafter in order to address the issue of whether I had been served with a copy of
6 Plaintiff's Ex Parte Application, which appears to have been submitted for filing in
7 Riverside, on or about February 10, 2010. I recall being in Court until approximately
8 11:30 a.m., so that Ms. Glover and I could determine whether the Application had been
9 e-filed. We were eventually able to determine that Judge Phillips had rejected the
10 document, which had not been e-filed. I recall leaving the District Court in Santa Ana at
11 approximately 11:30 a.m. on February 24, 2010. I did not return to the office thereafter.

12 10. If the deposition had gone forward, I expect that it would have lasted the
13 better part of the day, as Mr. Vodnoy was involved in the prosecution of Plaintiff Curry
14 in one of his underlying criminal cases and based on the fact that I have attended almost
15 all of the depositions taken by Mr. Curry in this litigation. I understand that Plaintiff
16 Doe's time estimate for the deposition was "the entire allotted seven (7) hours" pursuant
17 to an e-mail from Ms. Brokenbush from February 23, 2010 at 6:33 p.m. Attached hereto
18 and marked as Exhibit "G" is a true and correct copy of said e-mail.

19 11. I am requesting an hourly rate of \$300 in this litigation and sanctions for the
20 City of Los Angeles in the amount of \$1,200.00 for the time I spent traveling to the court
21 and being present in court that morning. .

22 12. This hourly rate is reasonable in light of my number of years of practice and
23 litigation experience.

24 13. I graduated from Southwestern University School of Law in May of 1997.
25 While in law school, I was an intern at the Los Angeles County District Attorney's
26 Office, wherein I had the opportunity to examine witnesses in approximately twenty-five
27 preliminary hearings and two juvenile adjudications.

28 ///

1 14. I sat for the California State Bar Exam in July of 1997 and was admitted to
2 the state bar on December 9, 1997.

3 15. I began working for Lewis Brisbois Bisgaard & Smith in March of 1998. I
4 first began working on civil rights actions filed against police officers during
5 approximately December of 2000. During June of 2001, I began working as conflict
6 counsel on what eventually became a group of thirty-two Rampart litigation matters. I
7 was responsible for the day-to-day matters for those cases, including discovery and
8 motions. I was successful in obtaining approximately twenty-seven dismissals in the
9 cases assigned to me.

10 16. During approximately February of 2005, I began working as conflict
11 counsel for a retired LAPD sergeant. I worked on approximately thirty-eight conflict
12 matters for the LAPD/City of Los Angeles while at the firm. During my employment
13 with the firm, I also worked on Section 1983 cases involving the Los Angeles County
14 Sheriff's Department. My experience in that regard included discovery, preparing
15 motions and trial documents. I also had the opportunity to be the second chair at two
16 civil rights trials. I did not examine witnesses at those trials, however. At this time, my
17 best estimate is that I worked on approximately fifteen (15) to twenty (20) cases for the
18 Los Angeles County Sheriff's Department. My last day at the firm was January 4, 2006.

19 17. I joined the Police Litigation Unit on January 8, 2007 and have been
20 assigned to that unit exclusively. During January of 2009, I was promoted to Deputy
21 City Attorney III-A. As a member of the Police Litigation Unit, I am responsible for the
22 day-to-day matters in all of my cases, including but not limited to research, written
23 discovery and depositions. I have been assigned approximately forty-five (45) matters
24 since January 8, 2007. Currently, I am assigned approximately fourteen (14) matters.
25 Since January of 2007, I have drafted three summary judgment motions for my federal
26 cases, all of which have been granted. I am informed that the deputy city attorneys
27 assigned to the Police Litigation Unit have been practicing at least eight years.

28 ///

1 18. Since December of 2007, I have tried five Section 1983 civil rights actions.
2 Those trials took place as follows: December of 2007 (Honorable Paul Abrams); March
3 of 2008 (Honorable Audrey B. Collins); October of 2008 (Honorable Cristina Snyder);
4 November of 2008 (Honorable Stephen Wilson) and February of 2010 (Honorable
5 Patrick Walsh). In the latter two trials, I examined all witnesses who testified at trial. I
6 was assisted by co-counsel in the other three trials, however. The Plaintiffs' attorneys
7 against whom I have represented officers in these federal court trials were: Maria
8 Cavalluzzi, Paul Hoffman, John Raphling, Vicki Sarmiento, Dale Galipo and Milton
9 Grimes, and John Burton.

10 19. Based on the foregoing, I believe that the requested hourly rate of \$300.00 is
11 reasonable.

Executed on this 9 day of March 2010, at Los Angeles, California.

SUREKHA A. PESSIS, Declarant

**Surekha Pessis - LADA DDA MATTHEW M. VODNOY SUBPOENA FOR FEBRUARY 24, 2010
DEPOSITION**

From: Rebecca Ann Brokenbush <beckybrokenbush@gmail.com>
To: "Rolon, Millicent" <mrolon@counsel.lacounty.gov>
Date: 2/19/2010 11:59 PM
Subject: LADA DDA MATTHEW M. VODNOY SUBPOENA FOR FEBRUARY 24, 2010
DEPOSITION
CC: Surekha Pessis <Surekha.Pessis@lacity.org>
Attachments: VODNOY DEPOSITION SUBPOENA FEB 24 2010.pdf

EXHIBIT A PAGE 7

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT
for the

Christian L. Curry
 Plaintiff)
 v.)
The Los Angeles Police Dept, et al.)
 Defendant)

Civil Action No. CV08-0237 VAP(RNB)

(If the action is pending in another district, state where:

To:

Matthew M. Vadnay

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: U.S. District Court, Courtroom 6D Date and Time:
 411 West Fourth St.; Santa Ana, Ca 92701 February 24, 2010; 9:15am

The deposition will be recorded by this method: Video and stenographer

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45(d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: JAN 14 2010



OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Christian L. Curry, who issued or requests this subpoena, are:
Plaintiff, as in propria persona
 Christian L. Curry
 3740 Laurel Canyon Blvd., Suite 1100
 Studio City, CA 91604
 Tel: 310 326-7133
 Fax: 310 269-0466
 Email: christiancurry@comcast.net
 com

From: "Rolon, Millicent" <Mrolon@counsel.lacounty.gov>
To: 'Rebecca Ann Brokenbush' <beckybrokenbush@gmail.com>
CC: Surekha Pessis <Surekha.Pessis@lacity.org>, Rena Shahandeh <Rena.Shahand...>
Date: 2/22/2010 12:18 PM
Subject: RE: DDA MATTHEW M VODNOY DEPOSITION

[] We are available to go forward on Wednesday as scheduled. []

Millicent L. Rolon
Principal Deputy County Counsel
(213) 974- 1880
mrolon@counsel.lacounty.gov<mailto:mrolon@counsel.lacounty.gov>

Notice of Confidential Communication: This message is intended only for the use of the individual or entity to which it is addressed. This message contains information from the County Counsel's Office, attorneys for the County of Los Angeles, which may be privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivery to the intended recipient, this will notify you that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify our Office at 213-974-1880 and destroy this message.

<mailto:mrolon@counsel.lacounty.gov>

From: Rebecca Ann Brokenbush [mailto:beckybrokenbush@gmail.com]
Sent: Monday, February 22, 2010 11:26 AM
To: Rolon, Millicent
Cc: Surekha Pessis; Rena Shahandeh
Subject: Re: DDA MATTHEW M VODNOY DEPOSITION

yes, thank you, shall be anxiously awaiting

On Mon, Feb 22, 2010 at 11:08 AM, Rolon, Millicent
<Mrolon@counsel.lacounty.gov<mailto:Mrolon@counsel.lacounty.gov>> wrote:
We are trying to clear schedules to go forward this Wednesday. I will confirm with you all this afternoon.
Thanks.

Millicent L. Rolon
Principal Deputy County Counsel
(213) 974- 1880
mrolon@counsel.lacounty.gov<mailto:mrolon@counsel.lacounty.gov>

Notice of Confidential Communication: This message is intended only for the use of the individual or entity to which it is addressed. This message contains information from the County Counsel's Office, attorneys for the County of Los Angeles, which may be privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivery to the intended recipient, this will notify you that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify our Office at 213-974-1880 and destroy this message.

<mailto:mrolon@counsel.lacounty.gov>

From: Rebecca Ann Brokenbush
[mailto:beckybrokenbush@gmail.com<mailto:beckybrokenbush@gmail.com>]
Sent: Monday, February 22, 2010 10:55 AM

To: Rolon, Millicent
Cc: Surekha Pessis; Rena Shahandeh
Subject: Re: DDA MATTHEW M VODNOY DEPOSITION

i will find out from the clerk today and let everybody know.

On Mon, Feb 22, 2010 at 10:21 AM, Rolon, Millicent
<Mrolon@counsel.lacounty.gov<mailto:Mrolon@counsel.lacounty.gov>> wrote:
Please be advised that I was out of the office from Feb 12 until today. I have not yet had a chance to contact DDA Vodnoy to ascertain his availability for this Wednesday. I am not available on Friday. Are there any dates that work for everyone next week? I am available every day that week except Tuesday. I will contact DDA Vodnoy and ascertain his availability.

Millicent L. Rolon
Principal Deputy County Counsel
(213) 974- 1880
mrolon@counsel.lacounty.gov<mailto:mrolon@counsel.lacounty.gov>

Notice of Confidential Communication: This message is intended only for the use of the individual or entity to which it is addressed. This message contains information from the County Counsel's Office, attorneys for the County of Los Angeles, which may be privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivery to the intended recipient, this will notify you that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify our Office at 213-974-1880 and destroy this message.

<mailto:mrolon@counsel.lacounty.gov>

From: Rebecca Ann Brokenbush
[mailto:beckybrokenbush@gmail.com<mailto:beckybrokenbush@gmail.com>]
Sent: Saturday, February 20, 2010 6:20 PM
To: Rolon, Millicent
Cc: Surekha Pessis; Rena Shahandeh
Subject: DDA MATTHEW M VODNOY DEPOSITION

Ms Rolon,

Please let me know if the 24th (as it states on the subpoena), or the 26th is good for you. i will also ascertain further (if applicable) dates which are amenable with the court and with defense counsel Ms. Pessis. thanks.

Becky B.

----- Forwarded message -----

From: Surekha Pessis <Surekha.Pessis@lacity.org<mailto:Surekha.Pessis@lacity.org>>
Date: Thu, Feb 18, 2010 at 1:17 PM
Subject: Re: DDA MATTHEW M VODNOY DEPOSITION
To: Rebecca Ann Brokenbush <beckybrokenbush@gmail.com<mailto:beckybrokenbush@gmail.com>>

These dates do not work for me. Can you have the deposition go forward on 26th?

***** Confidentiality Notice *****

This electronic message transmission contains information from the Office of the Los Angeles City Attorney, which may be confidential or protected by the attorney-client privilege and/or the work product doctrine. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the original message and any attachments without reading or saving in any manner. (v1.5)

From: Surekha Pessis
To: Rolon, Millicent
Date: 2/22/2010 3:35 PM
Subject: RE: DDA MATTHEW M VODNOY DEPOSITION

This Wednesday morning is fine.

***** Confidentiality Notice *****

This electronic message transmission contains information from the Office of the Los Angeles City Attorney, which may be confidential or protected by the attorney-client privilege and/or the work product doctrine. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the original message and any attachments without reading or saving in any manner. (v1.5)

>>> "Rolon, Millicent" <Mrolon@counsel.lacounty.gov> 2/22/2010 2:49 PM >>>
 please confirm asap. thanks.

Millicent L. Rolon
 Principal Deputy County Counsel
 (213) 974- 1880
mrolon@counsel.lacounty.gov<<mailto:mrolon@counsel.lacounty.gov>>

Notice of Confidential Communication: This message is intended only for the use of the individual or entity to which it is addressed. This message contains information from the County Counsel's Office, attorneys for the County of Los Angeles, which may be privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivery to the intended recipient, this will notify you that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify our Office at 213-974-1880 and destroy this message.

<<mailto:mrolon@counsel.lacounty.gov>>

From: Rebecca Ann Brokenbush [mailto:beckybrokenbush@gmail.com]
 Sent: Monday, February 22, 2010 2:48 PM
 To: Rolon, Millicent
 Cc: Surekha Pessis; Rena Shahandeh
 Subject: Re: DDA MATTHEW M VODNOY DEPOSITION

good, i will check with defense counsel pessis, in addition to the clerk to verify.

On Mon, Feb 22, 2010 at 12:17 PM, Rolon, Millicent
[<Mrolon@counsel.lacounty.gov](mailto:Mrolon@counsel.lacounty.gov)<<mailto:Mrolon@counsel.lacounty.gov>>> wrote:
 We are available to go forward on Wednesday as scheduled.

Millicent L. Rolon
 Principal Deputy County Counsel
 (213) 974- 1880
mrolon@counsel.lacounty.gov<<mailto:mrolon@counsel.lacounty.gov>>

Notice of Confidential Communication: This message is intended only for the use of the individual or entity to which it is addressed. This message contains information from the County Counsel's Office, attorneys for the County of Los Angeles, which may be privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivery to the intended recipient, this will notify you that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify our Office at 213-974-1880 and destroy this message.

<<mailto:mrolon@counsel.lacounty.gov>>

From: Surekha Pessis
To: Christian
Date: 2/23/2010 9:33 AM
Subject: Re: VODNOY DEPO

That is correct. I am not in trial this week. I will be at the deposition tomorrow morning. What is your time estimate?

***** Confidentiality Notice *****

This electronic message transmission contains information from the Office of the Los Angeles City Attorney, which may be confidential or protected by the attorney-client privilege and/or the work product doctrine. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the original message and any attachments without reading or saving in any manner. (v1.5)

>>> Christian <christianleigh2000@yahoo.com> 2/23/2010 7:25 AM >>>

GOOD, YOUR JUDGE WALKER CASE SETTLED, THAT MEANS NO TRIAL, SO YOU GOOD TO GO FOR WED FOR VODNOY??

----- Forwarded Message -----

From: Christian <christianleigh2000@yahoo.com>
To: Surekha Pessis <Surekha.Pessis@lacity.org>
Cc: Soledad Figueroa <Soledad.Figueroa@lacity.org>; "Jeffrey Brokenbush, III" <brokenbush@gmail.com>
Sent: Sun, January 24, 2010 7:42:56 AM
Subject: List of Docs

Surekha,

Attached is a copy of the letter i couldn't find the other day, in response to yours. Also, i'll have a draft of those protective orders pretty soon. When you get a chance, (and pursuant to the Court's January 21, 2010 Order) could you please send over the following:

A. INTERNAL AFFAIRS

[REDACTED]

[REDACTED]

[REDACTED]

C. And finally, please provide me the Original Transcript of my July 22, 2009 Deposition, which I shall execute and return to you.

Thanks,
CLC

From: Surekha Pessis
To: Brokenbush, Rebecca Ann
CC: Avesyan, Margarit; Rolon, Millicent
Date: 2/23/2010 12:07 PM
Subject: Re: DDA MATTHEW M VODNOY DEPOSITION

I am leaving at 3:00 p.m., so please contact Margo (Margarit) by e-mail, so that she can call me. Margo is leaving at 3:15 p.m.

***** Confidentiality Notice *****

This electronic message transmission contains information from the Office of the Los Angeles City Attorney, which may be confidential or protected by the attorney-client privilege and/or the work product doctrine. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the original message and any attachments without reading or saving in any manner. (v1.5)

>>> Rebecca Ann Brokenbush <beckybrokenbush@gmail.com> 2/23/2010 12:02 PM >>>
will try, not up to me, will get back to everybody by 3:00

On Tue, Feb 23, 2010 at 11:55 AM, Surekha Pessis
<Surekha.Pessis@lacity.org> wrote:

> Becky,
>
> All of these e-mails are causing confusion because I thought were in the
> clear for Wednesday. I just finished a trial and have several new cases
> that I need to be focusing on. I have set aside tomorrow morning for this
> deposition, so let's go forward at that time if allowed to do so by the
> Court.
>
> Surekha
>
> ***** Confidentiality Notice *****
> This electronic message transmission contains information from the Office
> of the Los Angeles City Attorney, which may be confidential or protected by
> the attorney-client privilege and/or the work product doctrine. If you are
> not the intended recipient, be aware that any disclosure, copying,
> distribution or use of the content of this information is prohibited. If
> you have received this communication in error, please notify us immediately
> by e-mail and delete the original message and any attachments without
> reading or saving in any manner. (v1.5)
> *****

>
>

>>> Rebecca Ann Brokenbush <beckybrokenbush@gmail.com> 2/23/2010 11:51 AM

>>>
> okay, i'll push for wednesday; the court clerk stated that if all parties
> had agreed for thursday, then it could be thursday, however, if not, then
> wednesday it will have to be. i just need to clear this with mr. curry
> first before i call the clerk back and confirm for tomorrow, because i
> believe he was trying to accommodate ms. pessis' schedule and relieve some
> pressure off of her. i will provide a status update (with final
> confirmation) no later than 3:30 pm today. if, per chance you (or mr.
> vodnoy)'s schedule should happen to open up for thursday, please let me
> know
> before 3:00 today. thanks again.

>
> Becky B.

>
> On Tue, Feb 23, 2010 at 11:37 AM, Rolon, Millicent <

> Mrolon@counsel.lacounty.gov wrote:

>> Mr. Vodnoy and I are not available on Thursday. We have just cleared our
>> calendars for tomorrow- is Wednesday now off? Please advise asap. Thanks.

>>

>> Millicent L. Rolon
>> Principal Deputy County Counsel
>> (213) 974- 1880
>> mrolon@counsel.lacounty.gov

>>

>>

>> Notice of Confidential Communication: This message is intended only for
>> the use of the individual or entity to which it is addressed. This
> message

>> contains information from the County Counsel's Office, attorneys for the
>> County of Los Angeles, which may be privileged, confidential and exempt
> from

>> disclosure under applicable law. If the reader of this message is not
> the

>> intended recipient or the person responsible for delivery to the intended
>> recipient, this will notify you that any dissemination, distribution, or
>> copying of this communication is strictly prohibited. If you have
> received

>> this communication in error, please notify our Office at 213-974-1880 and
>> destroy this message.

>> <mrolon@counsel.lacounty.gov>

>>

>>

>> -----

>> *From:* Rebecca Ann Brokenbush [mailto:beckybrokenbush@gmail.com]

>> *Sent:* Tuesday, February 23, 2010 11:34 AM

>>

>> *To:* Rolon, Millicent

>> *Cc:* Surekha Pessis; Rena Shahandeh

>> *Subject:* Re: DDA MATTHEW M VODNOY DEPOSITION

>>

>> is thursday okay for county counsel? i think it is okay for ms. pessis
>> (please correct us if i'm wrong); however, the court clerk wants us to
> get

>> back to her by close of business today, to let her know if thursday was
>> amenable to all parties (instead of wednesday). i apologize for the last
>> minute notice, however, dealing with multiple factors beyond our control.
>> thanks.

>>

>> On Mon, Feb 22, 2010 at 2:49 PM, Rolon, Millicent <

>> Mrolon@counsel.lacounty.gov> wrote:

>>

>>> please confirm asap. thanks.

>>>

>>> Millicent L. Rolon

>>> Principal Deputy County Counsel

>>> (213) 974- 1880

>>> mrolon@counsel.lacounty.gov

>>>

>>>

>>> Notice of Confidential Communication: This message is intended only for
>>> the use of the individual or entity to which it is addressed. This
> message

>>> contains information from the County Counsel's Office, attorneys for the
>>> County of Los Angeles, which may be privileged, confidential and exempt
> from

>>> disclosure under applicable law. If the reader of this message is not
> the

> >> intended recipient or the person responsible for delivery to the
> intended
> >> recipient, this will notify you that any dissemination, distribution, or
> >> copying of this communication is strictly prohibited. If you have
> received
> >> this communication in error, please notify our Office at 213-974-1880
> and
> >> destroy this message.
> >> <mrolon@counsel.lacounty.gov>
> >>
> >>
> >> -----
> >> *From:* Rebecca Ann Brokenbush [<mailto:beckybrokenbush@gmail.com>]
> >> *Sent:* Monday, February 22, 2010 2:48 PM
> >>
> >> *To:* Rolon, Millicent
> >> *Cc:* Surekha Pessis; Rena Shahandeh
> >> *Subject:* Re: DDA MATTHEW M VODNOY DEPOSITION
> >>
> >> good, i will check with defense counsel pessis, in addition to the
> >> clerk to verify.
> >>
> >> On Mon, Feb 22, 2010 at 12:17 PM, Rolon, Millicent <
> >> Mrolon@counsel.lacounty.gov> wrote:
> >>
> >>> We are available to go forward on Wednesday as scheduled.
> >>>
> >>> Millicent L. Rolon
> >>> Principal Deputy County Counsel
> >>> (213) 974- 1880
> >>> mrolon@counsel.lacounty.gov
> >>>
> >>>
> >>> Notice of Confidential Communication: This message is intended only
> for
> >>> the use of the individual or entity to which it is addressed. This
> message
> >>> contains information from the County Counsel's Office, attorneys for
> the
> >>> County of Los Angeles, which may be privileged, confidential and exempt
> from
> >>> disclosure under applicable law. If the reader of this message is not
> the
> >>> intended recipient or the person responsible for delivery to the
> intended
> >>> recipient, this will notify you that any dissemination, distribution,
> or
> >>> copying of this communication is strictly prohibited. If you have
> received
> >>> this communication in error, please notify our Office at 213-974-1880
> and
> >>> destroy this message.
> >>> <mrolon@counsel.lacounty.gov>
> >>>
> >>>
> >>> -----
> >>> *From:* Rebecca Ann Brokenbush [<mailto:beckybrokenbush@gmail.com>]
> >>> *Sent:* Monday, February 22, 2010 11:26 AM
> >>>
> >>> *To:* Rolon, Millicent
> >>> *Cc:* Surekha Pessis; Rena Shahandeh
> >>> *Subject:* Re: DDA MATTHEW M VODNOY DEPOSITION
> >>>

> >>> yes, thank you, shall be anxiously awaiting
> >>>
> >>> On Mon, Feb 22, 2010 at 11:08 AM, Rolon, Millicent <
> >>> Mrolon@counsel.lacounty.gov> wrote:
> >>>
> >>>> We are trying to clear schedules to go forward this Wednesday. I will
> >>>> confirm with you all this afternoon. Thanks.
> >>>
> >>>> Millicent L. Rolon
> >>>> Principal Deputy County Counsel
> >>>> (213) 974- 1880
> >>>> mrolon@counsel.lacounty.gov
> >>>
> >>>
> >>>> Notice of Confidential Communication: This message is intended only
> for
> >>>> the use of the individual or entity to which it is addressed. This
> message
> >>>> contains information from the County Counsel's Office, attorneys for
> the
> >>>> County of Los Angeles, which may be privileged, confidential and
> exempt from
> >>>> disclosure under applicable law. If the reader of this message is not
> the
> >>>> intended recipient or the person responsible for delivery to the
> intended
> >>>> recipient, this will notify you that any dissemination, distribution,
> or
> >>>> copying of this communication is strictly prohibited. If you have
> received
> >>>> this communication in error, please notify our Office at 213-974-1880
> and
> >>>> destroy this message.
> >>>> <mrolon@counsel.lacounty.gov>
> >>>
> >>>
> >>>
> >>>> -----
> >>>> *From:* Rebecca Ann Brokenbush [<mailto:beckybrokenbush@gmail.com>]
> >>>> *Sent:* Monday, February 22, 2010 10:55 AM
> >>>
> >>>> *To:* Rolon, Millicent
> >>>> *Cc:* Surekha Pessis; Rena Shahandeh
> >>>> *Subject:* Re: DDA MATTHEW M VODNOY DEPOSITION
> >>>
> >>>> i will find out from the clerk today and let everybody know.
> >>>
> >>>> On Mon, Feb 22, 2010 at 10:21 AM, Rolon, Millicent <
> >>>> Mrolon@counsel.lacounty.gov> wrote:
> >>>
> >>>> Please be advised that I was out of the office from Feb 12 until
> >>>> today. I have not yet had a chance to contact DDA Vodnoy to ascertain
> his
> >>>> availability for this Wednesday. I am not available on Friday. Are
> there
> >>>> any dates that work for everyone next week? I am available every day
> that
> >>>> week except Tuesday. I will contact DDA Vodnoy and ascertain his
> >>>> availability.
> >>>
> >>>> Millicent L. Rolon
> >>>> Principal Deputy County Counsel
> >>>> (213) 974- 1880
> >>>> mrolon@counsel.lacounty.gov

> >>>>
> >>>>
> >>>> Notice of Confidential Communication: This message is intended only
> >>>> for the use of the individual or entity to which it is addressed.
> This
> >>>> message contains information from the County Counsel's Office,
> attorneys for
> >>>> the County of Los Angeles, which may be privileged, confidential and
> exempt
> >>>> from disclosure under applicable law. If the reader of this message
> is not
> >>>> the intended recipient or the person responsible for delivery to the
> >>>> intended recipient, this will notify you that any dissemination,
> >>>> distribution, or copying of this communication is strictly
> prohibited. If
> >>>> you have received this communication in error, please notify our
> Office at
> >>>> 213-974-1880 and destroy this message.
> >>>> <mrolon@counsel.lacounty.gov>
> >>>>
> >>>>
> >>>> -----
> >>>> *From:* Rebecca Ann Brokenbush [mailto:beckybrokenbush@gmail.com]
> >>>> *Sent:* Saturday, February 20, 2010 6:20 PM
> >>>> *To:* Rolon, Millicent
> >>>> *Cc:* Surekha Pessis; Rena Shahandeh
> >>>> *Subject:* DDA MATTHEW M VODNOY DEPOSITION
> >>>>
> >>>> Ms Rolon,
> >>>>
> >>>> Please let me know if the 24th (as it states on the subpoena),
> or
> >>>> the 26th is good for you. I will also ascertain further (if
> applicable)
> >>>> dates which are amenable with the court and with defense counsel Ms.
> >>>> Pessis. thanks.
> >>>>
> >>>> Becky B.
> >>>>
> >>>> ----- Forwarded message -----
> >>>> From: Surekha Pessis <Surekha.Pessis@lacity.org>
> >>>> Date: Thu, Feb 18, 2010 at 1:17 PM
> >>>> Subject: Re: DDA MATTHEW M VODNOY DEPOSITION
> >>>> To: Rebecca Ann Brokenbush <beckybrokenbush@gmail.com>
> >>>>
> >>>>
> >>>> These dates do not work for me. Can you have the deposition go
> forward
> >>>> on 26th?
> >>>>
> >>>> ***** Confidentiality Notice *****
> >>>> This electronic message transmission contains information from the
> >>>> Office of the Los Angeles City Attorney, which may be confidential or
> >>>> protected by the attorney-client privilege and/or the work product
> doctrine.
> >>>> If you are not the intended recipient, be aware that any disclosure,
> >>>> copying, distribution or use of the content of this information is
> >>>> prohibited. If you have received this communication in error, please
> notify
> >>>> us immediately by e-mail and delete the original message and any
> attachments
> >>>> without reading or saving in any manner. (v1.5)
> >>>> *****

> >>>
> >>>>
> >>>
> >>>
> >>
> >
>

From: "JEFFREY S. BROKENBUSH, III" <brokenbush@gmail.com>
To: Surekha Pessis <Surekha.Pessis@lacity.org>, <Soledad.Figueroa@lacity.org...
Date: 2/24/2010 7:47 AM
Subject: VODNOY DEPOSITION CANCELLED

please be advised that the Matthew M. Vodnoy deposition in case # CV 08 0237 VAP (RNB), scheduled for Wednesday, February 24, 2010 has been taken off calendar and canceled, and that the court has been informed.

could someone please reach ms pessis as soon as physically possible either at home or on her cellular telephone/pager, etc., in order to provide her with this information so that she need NOT have to travel to santa ana. thank you.

From: Rebecca Ann Brokenbush <beckybrokenbush@gmail.com>
To: "Rolon, Millicent" <Mrolon@counsel.lacounty.gov>
CC: Surekha Pessis <Surekha.Pessis@lacity.org>, Margarit Avesyan <Margarit.A...
Date: 2/23/2010 6:33 PM

Ms. Rolon,

I am just an assistant working for Mr. Curry and his wife; I do not have any decision-making authority, nor can I do anything more than just schedule events and pass on messages, etc. I believe you do have Mr. Curry's email addresses, so it perhaps would have been more efficient and/or appropriate to provide these questions to him directly. In addition, I only started assisting MY OWN husband with working for the Curry's only very recently; and as you can probably tell, I am very unfamiliar with the facts of these cases.

As to your questions about Wednesday morning's deposition [and specifically with regards to timing], I was told that it would unquestionably take up the entire allotted seven (7) hours. I did convey your sentiments, and (once again) just passing on the message that [co-plaintiff] Jane Doe provided; which was that "perhaps you should invest in a lap-top computer, so that during your vacations, you could maybe check your emails once in a while, so you don't leave all of the involved individuals and parties (including the Court) hovering in a trance...."

Once again, I apologize for the confusion, and hope to see you tomorrow morning.

Becky Ann Brokenbush

On Tue, Feb 23, 2010 at 1:10 PM, Rolon, Millicent <Mrolon@counsel.lacounty.gov> wrote:

> The deposition subpoena served on Friday at noon (while I was on
> vacation) stated that the deposition was to take place Wednesday the 24th.
> Upon my return on Monday the 22nd, I cleared my schedule and asked Mr.
> Vodnoy to do the same for the 24th. At no time, did you mention Thursday as
> an alternate date. Mr. Vodnoy is in trial on Thursday and is unavailable. I
> am also in court in the morning. We cannot appear on Thursday the 25th. Why
> did you serve a subpoena for the 24th when you had no intention of
> proceeding on that date?
>

> Millicent L. Rolon
> Principal Deputy County Counsel
> (213) 974- 1880
> mrolon@counsel.lacounty.gov
>
>

> Notice of Confidential Communication: This message is intended only for
> the use of the individual or entity to which it is addressed. This message
> contains information from the County Counsel's Office, attorneys for the
> County of Los Angeles, which may be privileged, confidential and exempt from
> disclosure under applicable law. If the reader of this message is not the
> intended recipient or the person responsible for delivery to the intended
> recipient, this will notify you that any dissemination, distribution, or

PROOF OF SERVICE

I, KATHERINE FINAN, declare as follows:

At the time of service I was over 18 years of age and not a party to this action.
My business address is 200 N. Main Street, 600 City Hall East, Los Angeles, CA 90012,
which is the County, City and State where this mailing occurred.

On March 19, 2010, copies of the document(s) described as:

**DECLARATIONS OF DEPUTY CITY ATTORNEYS SUREKHA A. PESSIS RE:
MINUTE ORDER OF MARCH 12, 2010**

were served upon all interested parties in this action:

NEW ADDRESS AS OF 2/10/10

JANE DOE
INVESTIYE RECON OPS, LLC
12400 VENTURA BOULEVARD, SUITE 402
STUDIO CITY, CA 91604
(323) 843-9619 Fax
Email: janeandlamont@yahoo.com

Copies of the aforementioned document(s) were served in the manner prescribed below by:

- By electronic service. Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I hereby certify that I am a member of the Bar of the United States District Court, Central District of California.

I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

I hereby certify under the penalty of perjury that the foregoing is true and correct.

Executed on **March 19, 2010**, at Los Angeles, California.

Katherine Finan
KATHERINE FINAN